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CERTIFICATE OF MAILING

Applicants:

Sander, Tom, *et al.*

U.S. Serial No.: 09/701,933

Filed: August 20, 2001

For: "CORTICAL BONE CERVICAL SMITH-
ROBINSON FUSION IMPLANT"

Group Art Unit: 3738

Examiner: Bruce Edward Snow

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September 02, 2003

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AMENDMENT AND RESPONSE UNDER 37 C.F.R. § 1.116

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Sir:

In response to the Official Action of 07/02/03, finally rejecting all claims (claims 59-71) for which a response was due 10/02/03, the Applicants request that the Examiner exercise his discretion and enter an amendment to the specification, clarifying the relationship between the two patents from which priority is claimed. The amendment was not entered before because the issue regarding the claim of priority was raised for the first time in the Official Action of 07/02/03. Moreover, the amendment is proper because it does not add new matter and would place the claims in better condition (relative the dates of the cited art) on appeal

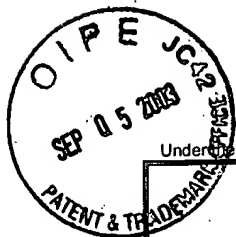
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Approved for use through 10/31/2002

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	09/701,933
		Filing Date	08/20/01
		First Named Inventor	Tom Sander, et al.
		Group Art Unit	3738
		Examiner Name	Bruce Edward Snow
Total Number of Pages in This Submission	24	Attorney Docket Number	1915/13971US02

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO 1449/08A with references <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) (sheets) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): RECEIVED SEP 09 2003
Remarks		TECHNOLOGY CENTER R3700

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	McAndrews Held & Malloy, Ltd.
Signature	<i>Donald J. Pochopier</i>
Date	09/02/03

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Name (Print/type)	Donald J. Pochopier	Registration No. (Attorney/Agent)	32,167
Signature	<i>Donald J. Pochopier</i>	Date	09/02/03